THE DECALOGUE JOURNAL

A PUBLICATION OF THE DECALOGUE SOCIETY OF LAWYERS

Volume 3 APRIL - MAY, 1953 Number 4

. . . . There is perhaps no profession after that of the sacred ministry, in which a high sense of morality is more imperatively necessary than that of the law. There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict integrity; in which so many delicate and difficult questions of duty are continually arising. There are pitfalls and man-traps at every step, and the mere youth, at the very outset of his career, needs often the prudence and self-denial, as well as the moral courage, which belong commonly to riper years. High moral principle is his only safe guide; the only torch to light his way amidst darkness and obstruction. It is like the spear of the guardian angel of Paradise:

No falsehood can endure
Touch of celestial temper, but returns
Of force to its own likeness.

—JUDGE GEORGE SHARSWOOD
in *Professional Ethics*

THE DECALOGUE JOURNAL

Published Bi-Monthly by

THE DECALOGUE SOCIETY OF LAWYERS

180 W. Washington St. Chicago 2, Illinois

Telephone ANdover 3-6493

Volume 3 APRIL - MAY, 1953 Number 4

BENJAMIN WEINTROUB, Editor

IN THIS ISSUE

NOMINATE 1953 OFFICERS AND BOARD MEMBERS

The Board of Managers of The Decalogue Society of Lawyers at a meeting held Wednesday, April 8, 1953, in the headquarters of our Society, elected 15 members to serve on the Nominating Committee to propose a slate of officers and fill several vacancies on our Board.

Members elected to the Nominating Committee met at the Covenant Club, April 16, 1953, and selected the following candidates for office in 1953.

OFFICERS

President	PAUL G. ANNES
First Vice President	ELMER GERTZ
Second Vice President	BERNARD H. SOKOL
Treasurer	HARRY H. MALKIN
Financial Secretary	JUDGE NORMAN N. EIGER
Executive Secretary	RICHARD FISCHER

BOARD MEMBERS

JUDGE HENRY L. BURMAN
BERNARD E. EPTON
SAUL A. EPTON
HARRY G. FINS
REUBEN S. FLACKS
SAMUEL D. GOLDEN
JUDGE JULIUS J. HOFFMAN
SEN. MARSHALL KORSHAK
MAX A. REINSTEIN
MORTON SCHAEFFER
NATHAN SCHWARTZ

President Harry A. Iseberg presided at both meetings.

FINAL GREAT BOOKS LECTURES

Alec E. Weinrob, chairman of The Decalogue Society Great Books Discussion Course, announces that the final lectures of the 1952 series are as follows:

May 13—Rousseau: The Social Contract
May 27—Federalist Papers
June 10—Adam Smith: The Wealth of Nations

All meetings take place at the headquarters of our Society, 180 W. Washington Street, at 6:15 P.M.

The Editor will be glad to receive contributions of articles of modest length, from members of The Decalogue Society of Lawyers only, upon subjects of interest to the profession. Communications should be addressed to the Editor, Benjamin Weintroub, 82 West Washington Street, Chicago 2, Ill.

NINETEEN FIFTY-TWO DECALOGUE MERIT AWARD

The Decalogue's Eighteenth Annual Merit Award Dinner at the Palmer House Monday evening, February 23rd was an outstanding event in the annals of our Society. Adlai E. Stevenson, chosen as the man who most merited our recognition proved to be an exceptionally popular choice and the Grand Ball Room, where the festivities of the occasion took place, could barely accommodate all who sought to acclaim our selectee.

Judges from every court in Cook County and many from downstate, were at the speaker's table and in the audience. Representatives of the several bar associations in our city and state were among those present. Hundreds of members of our Society together with their families joined in the affair. Leaders in nearly every field of endeavor in this community were spectators of the proceedings.

An added lavish feature of the affair was the presence of Cantor Moshe Kusevitsky, famous liturgical singer, who came here from New York expressly engaged by the Society for the evening's program.

Excerpts from Governor Stevenson's address together with several movie "shots" of the affair were shown in motion picture houses and on television screens, nationally.

President Harry A. Iseberg was chairman of the evening. Member, Congressman Sidney R. Yates presented the award to Governor Stevenson. In thanking the membership of our Society for help in making the Eighteenth Annual Patriotic Dinner a huge success, Iseberg stressed the services of Past President, Oscar M. Nudelman, who as chairman of our Merit Award Committee helped select our choice for 1952. Iseberg expressed, also, his appreciation for the help rendered by Paul G. Annes and Elmer Gertz, chairman and vice chairman of the arrangement committee, respectively.

The inter-organization awards of The Decalogue Society of Lawyers for 1952 went to Past President Samuel Allen and L. Louis Karton, chairman of The Decalogue Legal Education Committee. Past President, Carl B. Sussman made the presentation address to the recipients of this honor. Rabbi Jacob J. Weinstein uttered the invocation.

Below are excerpts from the addresses of President Iseberg, Congressman Yates and Governor Stevenson's response.

* * *

PRESIDENT ISEBERG:

—*Welcome . . .*

. . . Not alone is our Society committed to the highest standards and practices of the bar and to the great charter of American freedom embodied in the Bill of Rights; but, since our membership is entirely of the Jewish faith, we are also dedicated to the eternal doctrines of social justice inherent in the Mosaic Law and the teachings of the ancient Hebrew prophets. We derive not only our name but also our inspiration from the Decalogue, which for centuries has been the moral code of the great civilized nations.

That these American and Hebrew sources of our spiritual and legal heritage are mutually compatible and harmonious should be self-evident. One flows from the other. From historical records we know that the founders of our great Republic were themselves inspired by the Ancient Hebrew prophets. In framing their laws, the earliest of the colonists who had fled from the tyrannies of the old world in order to establish freedom of conscience in the new world, drew much of their inspiration for both laws and life from the texts of the Old Testament. . . .

As we meet tonight at our annual Patriotic Dinner marking the celebration of the 221st anniversary of the birth of the founder of our country, we recall that in 1790 George Washington addressed a memorable letter to the Hebrew Congregation in Newport, Rhode Island. In it Washington wrote, and we should never weary of repeating his words:

> "The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and

liberal policy, a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now—no more—that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support."

. . . .

Tonight we gather to do honor to another great American who, in his generation, looms as a towering beacon of light, to lead the way to the fulfillment and realization of the American dream. A few months ago Adlai E. Stevenson addressed a group of young men and women, high school editors, in historic Boston. There, before future torch-bearers of American democracy, speaking from his heart, without benefit of manuscript, Stevenson declared:

"Discard with contempt any of the doctrines of bigotry, of intolerance, recrimination, and accusation which crowd upon us from all sides today. Reaffirm, by your own behavior, and for your own times, the shining principles of those other young Americans of an earlier day who stood in Independence Hall and offered on the altar of freedom their lives, their fortunes, and their sacred honor. . . ."

As we witness today a world-wide assault on the precious rights of human dignity, an assault mounted by the forces of totalitarianism, be they of imperial communism or resurgent fascism, we recognize a threat to all that we hold sacred in America, including the very Decalogue itself. We can meet the challenge only by our constant reaffirmation and rededication to the principles of American democracy. And so we solemnly pledge ourselves anew to defend our sacred rights with all our hearts, with all our souls, and with all our might.

* * *

CONGRESSMAN YATES: *—Presentation . . .*

This occasion marks the second time that our honored guest will receive the annual Award of Merit given by The Decalogue Society of Lawyers. The first time was in 1944 when Secretary of the Navy Frank Knox was selected for the award. Knox, being unable to attend the dinner, sent a little-known Assistant Secretary of the Navy named Stevenson to accept the certificate on his behalf. Tonight, the Decalogue Society is delighted to welcome back that same Assistant Secretary of the Navy, much better known—risen, in fact, during the eight years to become a star of the highest firmament himself—to receive its annual Award of Merit in his own right.

A few weeks after the convention last July, I was visiting friends in Portland, Oregon. One of them, a daughter of a conservative banker, told me that on the final night of the Convention she had come home to find her father lying on a couch with closed eyes listening to Governor Stevenson's acceptance speech. Knowing that his political affiliation lay in the opposite direction, she asked her father whether he was going to vote for the new nominee. He thought a few seconds and then replied by saying slowly, that as he listened to Stevenson speak he could not escape thinking sympathetically about the people who had listened to Lincoln and had not voted for him —how badly they must have felt in later years.

When I heard the story I thought it had great meaning. I believe it has greater significance today, for time has given the American people an opportunity to reflect upon the campaign and to appraise the man from Illinois.

We honor Adlai E. Stevenson for having been a great governor of Illinois. When the people of Illinois elected him in 1948, Stevenson reciprocated by giving the people one of the finest administrations of any governor in the annals of American state government. Better education, health, welfare, housing, a police system based on merit, are only a few of the accomplishments gleaming in the path where Stevenson walked in Springfield. For the people of Illinois he became a symbol of decent government.

But it was in the field of what he termed "the ancient rights of our people" that the Governor showed his greatness. With keen discernment for the true meaning of freedom, he said, in vetoing the Broyles bills: "Laws infringing our rights and intimidating unoffending persons without enlarging our security will neither catch subversives nor win converts to our better ideas. And, in the long run, evil ideas can be counteracted and conquered, not by laws, but only by better ideas."

As chief executive of the State of Illinois,

he welcomed delegates to the convention of his party in Chicago with these words: "Perhaps you will permit me to remind you that until four years ago the People of Illinois had chosen but three Democratic governors in a hundred years. One was John Peter Altgeld, the Eagle Forgotten, an immigrant; one was Edward F. Dunne, whose parents came from Ireland; and the last was Henry Horner, but one generation removed from Germany. John Peter Altgeld was a Protestant, Governor Dunne was a Catholic, and Henry Horner was a Jew. That, my friends, is the American story, written here on the prairies of Illinois, in the heartland of the nation."

Particularly impressive to me is the definition of patriotism which he projected at the American Legion convention. "What we mean he said is a sense of national responsibility which will enable America to remain master of her power—to walk with it in serenity and wisdom, with self-respect and with the respect of all mankind; a patriotism that puts country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime. . . . There are men among us who use 'patriotism' as a club for attacking other Americans. What can we say for the self-styled patriot who thinks that a Negro, a Jew, a Catholic, or a Japanese-American is less an American than he? That betrays the deepest article of our faith, the belief in individual liberty and equality which has always been the heart and soul of the American idea."

In final analysis, we pay tribute tonight to a great and good man—a man of deep faith, of high purpose, and matchless devotion to the democratic ideal.

* * *

ADLAI E. STEVENSON:

—*Response . . .*

I am overwhelmed by the eloquence of the citation on this Award of Merit that you have honored me with and all of the testimonials that have been read here this evening, including the one from my old friend, Carl Sandburg. His reference to the Ten Commandments reminded me of a story that I think perhaps some of you will recall about the time when Woodrow Wilson went to Heaven. There he promptly fell into conversation with Moses, and he was very depressed and unhappy. Moses asked him why he was in such anguish, and he said, "It is because those people down below have rejected my fourteen points." And Moses said, "Well, Mr. President, that was within the past five years—I have been here for thirty-three hundred years and they haven't accepted my ten points yet." I am myself unwilling to wait thirty-three hundred years.

I am not, as Mr. Yates has said, wholly unfamiliar with the Decalogue Award of Merit. Almost nine years ago to this very day I appeared before The Decalogue Society on behalf of my distinguished and beloved senior, the then Secretary of the Navy, Frank Knox, and I made a very good speech, indeed; and I wish everyone of you could have been here at that time to have heard it, because then you might be more charitable about what you are going to hear tonight. What you are going to hear tonight is hastily improvised at the table and it fulfills, I am sorry to say, a statement that I was obliged to make to Mr. Iseberg and the Committee representing the Decalogue Society when they were good enough to invite me to come here this evening and to receive this undeserved award. I told them that, unhappily, I could not foretell what my plight would be and I should be unable to prepare a speech proper to the occasion. Now that I am here I find my predicament all the more difficult.

I think perhaps that is what happens to us as we get older. We get more careless, particularly after we have talked too much, as I have in the past year.

I also noticed in the year following your recognition of Colonel Knox in 1944, your award was presented to Wendell Wilkie. He also went on a trip around the world. Evidently the award of the Decalogue Society of Lawyers is a passport for a defeated candidate. There is a difference—I shall not be going to the Soviet Union. I am not welcomed, as Wendell Wilkie was, by our then ally.

I suppose we have all been in these past anxious days revolted by the most recent outburst of anti-Semitism on our tortured globe. Hitler's ghost, emerging from the walls of the Kremlin, has accomplished in death what he could not accomplish in his life. These things are not by accident in the Soviet Union; they are by design. I don't suppose we know why with any certainty. Tensions within, yes; and perhaps mis-apprehension about the loyalty of a substantial segment of the Russian people; the Arab world, yes. And maybe it doesn't come from tensions or mis-apprehensions or weakness at all. Maybe it comes not from weakness, but from strength and confidence.

Here is Europe: Germany divided, Western Europe only now emerging into anything resembling a defense community. Its designs are peaceful and defensive, not aggressive. It constitutes no threat to the security of the Soviet Union. And on the east is China. There they are protected. With nothing to alarm them, either east or west, they turn south, south to the Arab world, to fish in the most troubled waters on our troubled globe; and it points up, I suppose, the importance of that bastion, that far-flung outpost of western civiliza-

tion, western culture, ideology and loyalty, the struggling republic of Israel.

It also points, I suppose, to the tragedy to the western world of what would be the loss of the Middle East.

All over children of God, be they Negroes, Jews in Russia or in Eastern Europe, be they Poles, be they Czechs, Balts, and . . . certainly Arabs, are entitled to their rights. I for one utterly reject the argument that we ought to grant all men their rights just because if we do not we shall give Soviet Russia a propaganda weapon.

This concept . . . insultingly implies that were it not for the communists we would not do what is right. The answer to this is that we of the West must do what is right for the right faith alone; and that goes for all of the peoples of our world, not only yourself, but all of us.

I would like to say just a word, if I may, about lawyers. I used to be a lawyer; in fact, I am prepared to return to it if somebody will produce a client. The Decalogue Society, apprehensive about the competition, might like to subsidize me.

It is always to be remembered that there are very real differences which set apart, for example, many industrial executives—I was going to say even automobile executives, on the one hand, and lawyers and doctors on the other. We of the professions should glory in these differences . . . Because we are officers of the courts and the courts exist to define and to enforce justice, we serve a larger interest than our personal advancement. And let me say that any time that the members of a profession blindly place their own personal or political interests above those whom they serve, that profession faces the danger of dispelling the special order which sets it apart.

I hope that the legal profession and that this Society, which has so much to do with its ethics and its practices in the City of Chicago, will never be drawn into this error of self abasement.

We are at the point in history when it is particularly important that lawyers be conscious of the larger end that eternally lies between the day to day gloss of wills and contracts and negligence cases and criminal prosecutions and so on and all the other methods by which social interests, frequently conflicting, are accommodated and compromised. For it is this very respect for justice as exhibited in the elaborate machinery we provide for its accomplishment which distinguishes our democratic system from those other forms of government whose encroachment we are now resisting, and will continue to resist at whatever cost.

I recently saw this through the penetrating eyes of Rebecca West, a thoughtful and an acute lay observer of the judicial process at work both here and in her native England. She wrote this: "Western man now needs the assurance that he lives under just laws, justly administered, as much as he needs food and drink and shelter." And that, of course, is precisely the problem of the persecuted behind the Iron Curtain today.

It is the function of lawyers to meet that need. To the extent that you fail you make a mockery of those people and of the sacrifice of the boy who is over in Korea, of the G. I. who is keeping the new watch over the Rhine. They are where they are because they and millions who stand behind them in support and with careful concern believe unquestionably in the high nature of our cause, and certainly each of us can do no less.

Now, there are two aspects, it seems to me, of a lawyer's duty, which I believe to be inseparable from his professional responsibility, and to which I beg now to call your attention in brief. I term it the passive and the active contributions which a lawyer is peculiarly qualified to make in the area of public service.

The first is a product of his special training. It is your ability to examine both sides of an issue, to identify those facts and principles which are relevant and segregate the chaff, to be wary of hasty and far reaching generalizations which lack support in the record (and I know something about records).

It is by the use of these special qualities that you earn your daily bread. I suggest that you will do your neighbors and your community a disservice unless you bring them also to bear on public questions of importance. It is the characteristic of human faith to believe only what one wants to believe and then to assert it loudly. Most of our political discussions seem to mirror this curious weakness. Instead of rational analysis and dispassionate weighing of the pertinent facts, there is more likely to be nothing but a confused clamour, and the very din raises temper, sets nerves on edge and renders fruitful discussion all the more difficult. Lawyers can, if they will, and by the mere application of the techniques of their profession, quiet the clamour and illuminate rather than obfuscate.

The average citizen needs your help badly in this regard. If you stand aloof and if you deny it to him, you not only minimize his usefulness as a citizen, but you also do nothing to hold back rising tides of passion and of ignorance which could engulf us.

This I have called the passive aspect of your duty as a lawyer, because it can be fulfilled without alteration of your daily life. It is simply the calm word raised in front-porch talk, the inconvenient fact brought up in the locker room—I was going to say the tavern conversation, but I strike that in the presence of Rabbi Jacob Weinstein.

For some it is the most that they are able to do in the form of public service, but it is a much more important one than I dare say most of us realize.

Lawyers traditionally, of course, have tended to play still more active roles than this in public life. Some, Heaven help them, have even been elected to public office; but whatever the impact on the individual who suffers this fate, I cannot conscientiously say other than that I wish there were more who would submit themselves to it.

The same qualities and training which make a

good lawyer will tend strongly also to make him or her, and as a politician I speak advisedly in the alternative, a capable and effective public servant. A holder of public office, I can assure you, is usually in the middle, subject to pressures which meet head on right at the place where he unhappily finds himself; and by pressures I mean not just those of an illegitimate nature, but rather those which reflect the inevitable varying interests of honest men in a free society.

A lawyer is again uniquely fitted by training and by experience to deal with matters of this kind. Indeed, it is the very step of the day to day business of his law office, and the problems are not different, but only bigger, without—unhappily—appropriate fees.

There are other and less exposed ways in which lawyers could, of course, serve.

We in Illinois have recently had a conspicuous example of such a form of service. I refer to the Joint Committee of the Illinois State and Chicago Bar Associations which has labored so long and well in preparing a new Judicial Article to our State Constitution. Drawing on the experience of other states, on decades of work and of study, they have produced proposals which embody most of the major revisions advocated by the foremost authorities on this subject.

It is gratifying to see that this product of the organized bar has been widely applauded by the press in Illinois and in other states, as well, and has won the praise of eminent people everywhere. I was also pleased to learn of the formation of the state-wide citizens committee of business and civic organizations to win support for the new program of judicial reform in our state. With this ever widening base, I hope that there will come about sooner rather than later the reforms which have been long in the making.

I am going to take a journey soon, a long journey. I wish all of you were going with me. Just think what fun we'd have. One can't face it happily, in my position, like a private citizen, as I should like to, . . . nor can you contemplate a journey like that without some rather sobering reflections.

Many lands throughout the world have tied their destiny to ours. In many lands there is wonder at the spectacle of the peaceful, orderly transition of power from one party to another which has just taken place in this country. The incumbents have office because a mere majority of the people say so. This we sometimes forget is something unusual in the world in which we live. We of our country disagree on men; we disagree on methods. We don't disagree on our ultimate objectives and our ultimate hopes and aspirations for our world. Those are uniform, those belong to all of us. The government—it isn't the Republican's government, it isn't the Democrat's government,—it is our government and its objectives are our objectives. These are things that the world should know; these are things that would comfort many people who conceive of power as something that is precious to men for power's sake rather than as the servant of people. . . .

Our objectives are always the same. It makes no difference what transpires here at home, what little disputes we have within our wide political family circle. We ask nothing more for ourselves than we ask for humanity itself: peace, charity, compassion for our fellow men.

I am deeply grateful to you for the honor that you have paid me this evening, an honor little deserved; and I am also grateful to many of you here this evening who have been my friends for years, who have given me much encouragement, much help and much support in my endeavors in Springfield and my more recent endeavors in a larger arena. My gratitude to you is boundless. I bid you goodnight, and with it a heart that is full of thanks to you all.

The following comments upon The Decalogue Society's 1952 choice for its annual Merit Award arrived too late for publication in the last issue of The Journal.

Dear Mr. Iseberg:

I appreciated very much your good letter of February ninth and the enclosed copy of the Decalogue Journal with the picture of the great former President of Israel, Chaim Weizmann, and myself on the front page.

I am more than happy that you are presenting an award of merit to Governor Stevenson. He certainly deserves it from every point of view and from every angle politically and otherwise.

Please express my congratulations to Governor Stevenson when you make the award. HARRY S. TRUMAN

* * *

Adlai Stevenson is extraordinarily familiar with the Ten Commandments. He has studied them up, down, and across. Many of us would trust his interpretations of them. It is fitting indeed that the Decalogue Society of Lawyers should pin an award on him, thus honoring themselves as well as him. CARL SANDBURG

ABBA HILLEL SILVER

Members Judge Henry L. Burman of the Superior Court and Judge Julius H. Miner of the Circuit Court were co-chairmen of a banquet, March 24th, at the Morrison Hotel, sponsored by the Zionist Organization of Chicago. The occasion celebrated the sixtieth birthday of Rabbi Abba Hillel Silver, noted Zionist leader whose pulpit is in Cleveland, Ohio.

Splitting the Peppercorn

By BARNET HODES

Member Barnet Hodes has a long and distinguished record of professional and public service. He was Alderman of the Seventh Ward from 1931 to 1933; member of the Illinois State Tax Commission from 1933 to 1935; Corporation Counsel of Chicago from 1935 to 1947. He was Chairman of the Patriotic Foundation of Chicago which, after years of effort, erected Lorado Taft's monument to George Washington, Robert Morris and Chaim Solomon. He was President of the National Institute of Municipal Law Officers from 1937 to 1940. Among several citations Hodes received was civic merit award by The Chicago Junior Association of Commerce, 1934, an award from the Chicago Civil Liberties Committee in 1939 and from The Decalogue Society of Lawyers in 1941. He is the author of ITS YOUR MONEY, ESSAY ON ILLINOIS TAXATION *and* LAW AND THE MODERN CITY.

Centuries ago when scientists regarded the atom as the smallest and indivisible unit of matter, the legal profession regarded the peppercorn [1] as the most insignificant unit to constitute a consideration for a contract. In *Barker* vs. *Keate*, 2 Vent. 35, (1695) the Court of Common Pleas solemnly declared that a peppercorn was a sufficient consideration to raise a use. However, with the progress of science to a point where the splitting of the atom has become commonplace, it is not surprising that the legal profession should witness a comparable achievement of splitting the peppercorn. Appropriately enough, the most recent striking example of splitting the peppercorn has been achieved by the Federal Communications Commission that regulates an industry founded upon the tiny electron. The specific field in which peppercorn splitting has taken place concerns lottery and give-away programs.

Section 1304 of the Federal Criminal Code (18 U. S. C. 1304) prohibits the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance.

The law of lotteries is well settled. In order to constitute a lottery or gift enterprise prohibited by Federal and almost universally by state statutes three elements are necessary: (1) a prize; (2) lot or chance; and (3) a consideration (*Iris Amusement Corporation* vs. *Kelly*, 366 Ill. 256,)[2] (1937). The *Iris Amusement* case involved the application of an ordinance of the City of Chicago to the conduct of the "Bank Night" scheme of distributing prizes. The Court held that the City could prohibit such schemes as lotteries. There is usually no debate concerning the presence of the two elements of prize and chance in any challenged scheme of distributing money or other things of value. The controversy usually revolves over the question of the presence of a consideration.

In implementing the Federal statute prohibiting lotteries the Federal Communications Commission adopted its rule 3.192 governing lotteries and give-away programs (Code of Federal Regulations, 1949 Edition, Title 47, Chap. 1, Section 3.192). The rule *inter alia* regards it to be a consideration if:

> "(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or
>
> "(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or
>
> "(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question."

The Commission was apparently in doubt concerning the validity of refining the concept of consideration to embrace the various acts

[1] A peppercorn is a dried berry of the black pepper. In English law, the reservation of a merely nominal rent, on a lease, is sometimes expressed by a stipulation for the payment of a peppercorn. Black's Law Dictionary, Second Edition.

[2] In answer to those who might possibly accuse the writer of defending some "peppercorn splitting" in the **Iris Amusement** case, in which he appeared, may we say that the decision in that case was on the basis that the price of admission, substantially more than a peppercorn, was the consideration relied upon to establish the scheme as a lottery.

specified in the above quoted paragraphs of the rule. At the time of the promulgation of the rule an order was entered by the Commission providing that the effective date of that rule be postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States.

The rule has recently been tested before a three judge court in the United States District Court for the Southern District of New York. In *American Broadcasting Co., Inc.* vs. *United States,* the decision was rendered February 5, 1953, and is not yet reported. A digest of the opinion can be found in U. S. Law Week, Volume 21, No. 32 (21 L. W. 2393). The Commission contended that give-away programs were violative of Section 1304 of the Federal Criminal Code because something of value is furnished by the prospective participants because they become part of an audience which is a thing of value to the station and the sponsoring advertisers. The Commission further argued that the prospective participant's contribution is a "legal detriment" to him to sit at home listening to the program and awaiting a telephone call from those in charge of the contest.

The Court rejected both contentions. It admitted that technically under the law of contracts, the position of the Commission might be valid, yet there was not a sufficient consideration where a criminal statute was involved. The alleged "legal detriment" to the listener is not the kind of a "prize" or "thing of value" which the law contemplates as an essential element of a lottery. Criminal statutes must be strictly construed and accordingly so must rules of the Commission implementing a criminal statute.

Presumably the Commission will carry the case to the courts of review. As matters now stand it would appear that at least in the field of criminal law even a peppercorn may not be sufficient consideration. In any event, the particles resulting from a splitting of the peppercorn is definitely not a sufficient consideration.

MAX GAYNES

Member Max Gaynes was appointed Supervisor of the Capital Stock Tax Division of the State of Illinois, Department of Revenue.

Member Yates in Action

On July 7, 1952, Capt. Hyman George Rickover was given a U. S. Navy citation for his work in developing the world's first atomic submarine. The citation read, in part: "He has accomplished the most important piece of development in the history of the Navy." The following day the Navy's selection board passed him over for promotion to rear admiral. Since it was the second time he had been passed over, it meant under Navy rules that he would be forced to retire in June of 1953 at the age of 53.

The selection board, which has the final say on promotions, operates in secret. It has never disclosed, and probably never will disclose, why Rickover was rejected. One unofficial explanation was that the board felt Rickover's experience, largely in engineering, was "too specialized" to warrant his promotion to flag rank.

Despite the many productive years that should lie ahead of him, it appeared that the brilliant former West Side Chicago boy would have to stop serving the American taxpayers who had financed his education at Annapolis and Columbia. Being a loyal Navy man, Rickover said nothing to embarrass his superiors. Nevertheless, word of his impending retirement leaked out and Rep. Yates (D-Ill.), a Navy veteran of World War II, interested himself in the case.

As a result of the fight subsequently waged by Yates to keep Rickover in service, the new secretary of Navy, Robert B. Anderson, has been able to take steps to assure Rickover's promotion. Unless there is a slip-up, it means that Rickover will be in the Navy for some time to come. It may be argued, of course, that all's well that ends well. But many Americans are going to wonder if perhaps the Navy's present system of promotion and retirement shouldn't be overhauled to make sure that there are no more Rickover cases.

The Navy's Rickover Case,
Reprinted by special permission from
The Chicago Sun-Times, March 16, 1953.

WILLIAM F. COOPER

Member William F. Cooper is the new Supervisor of Hearing Officers in the Department of Finance.

Society Urges Broyles Bills Defeat

On the recommendation of The Decalogue Civic Affairs Committee, Elmer Gertz chairman, our Board of Managers sent the following communication to Governor William G. Stratton and all the members of the General Assembly of Illinois urging defeat of the Broyles Bills—Senate Bills 101 and 102.

The Decalogue Society of Lawyers, numbering 1,600 members of the Illinois Bar and the third largest bar association of this State, respectfully urges the members of the General Assembly to reject the Broyles Bills, Senate Bills 101 and 102.

We expressed our opposition to substantially similar legislative proposals introduced by Senator Broyles in 1951. Recent decisions of the United States Supreme Court and the extent to which these bills contain the intrinsic infirmities peculiar to legislation calculated to impose conformity and orthodoxy on public servants impels us, as lawyers, once again to communicate our views to you.

Senate Bill 101 provides for the re-establishment of a Seditious Activities Investigation Commission with an appropriation of $65,000. A similar Commission, created in 1947, spent two years and $17,500 of public funds conducting public hearings into subversive and seditious activities in two Illinois institutions of higher learning. These hearings failed to disclose one specific act of subversive or seditious teaching in Illinois. They failed to disclose one subversive professor, public housing official, librarian or public servant. But these hearings did do irreparable damage to the integrity and public confidence enjoyed by the institutions investigated and the individuals subpoenaed to give testimony.

Legislation proposed by this Commission, in 1949 and 1951, has been rejected. Since the gathering of information needed to propose legislation is the only legal justification for the creation of a Commission of this nature, and since Senate Bill 102 presumably embodies proposals based upon the findings of the 1947-1949 Commission, the creation of a new Commission at this time can serve no useful purpose. Further, agencies of the Federal and State Governments are already possessed of sufficient information concerning alleged subversive and seditious activities to enable responsible State legislators to evaluate the need for additional legislation in this area.

Senate Bill 102 is patterned after the Broyles Bills of 1949 and 1951. Neither the lapse of time nor the minute changes made in the proposed bill has altered our previously expressed opinion that its passage would "seriously impair the traditional liberties of our State's citizens, would greatly reduce the morale, efficiency and quality of our teachers and public servants."

Under Section 13 of the Bill the loyalty or test oath, which the United States Supreme Court, in *Board of Education* v. *Barnette,* 319 U. S. 624, 644, has said "has always been abhorrent in the United States," will become the *sine qua non* of fitness for public service. Similar requirements have recently been either implicitly rejected by the Supreme Court as being beyond the proper scope of state interference with individual rights (*Gerende* v. *Board of Supervisors of Elections of Baltimore City,* 341 U. S. 56), or expressly declared unconstitutional. *Wieman* v. *Updegraff,* 73 S. Ct. 215.

After execution of the loyalty or test oath public servants may be discharged or denied employment if reasonable grounds exist to believe such persons are subversive persons. (Sections 11 and 14) In leaving to each employing agency of the State responsibility for developing procedures to determine who is a "subversive person," as defined by the bill, the bill swings wide the door to all types of discriminatory treatment within and between public agencies. Further, a denial of employment or discharge for this reason is tantamount to the more serious finding that one is a felon since the bill's definition of a "subversive person" applies equally to the felony section. Thus an adverse determination by the employing agency has far more serious consequences than found in the federal loyalty program—with none of the compensating administrative safeguards provided by the federal program.

Sections 6 to 9, requiring the law enforce-

(Continued on page 22)

Foreign Corporations in Illinois

By LEONARD J. BRAVER

Member Braver is a frequent lecturer on legal topics before civic and communal groups.

Legal theory has, as often as not, developed through a process of back and fill. A perplexing phase of the field of corporate law, which, in Illinois, represents more "back" than "fill," is the determination whether an unlicensed foreign corporation is doing business in Illinois so that local process against it is valid.

No ready definition of "doing business" emerges from the host of confusing decisions.[1] Judge Learned Hand has said—

> It is quite impossible to establish any rule from the decided cases; we must step from tuft to tuft across the morass. One may look from one end of the decisions to the other and find no vade mecum.[2]

The conclusion is that each case must be decided on its own facts.[3]

To illustrate the thorny nature of the problem, and the apparent unwillingness of the Illinois courts to move away from a strictly dogmatic position, consider the facts and narrow decision in a recent case.[4]

Plaintiff, an Illinois corporation, sued defendant, a Maryland corporation having its mill at Baltimore, and its principal office in Philadelphia, Pennsylvania, in the U. S. District Court in Chicago, for damages resulting from an alleged breach of contract. Summons was served on an employee who, as western sales manager, was in charge of a Chicago office of the company. Defendant moved to quash the summons and attacked the District Court's jurisdiction on the grounds that it was a foreign corporation not licensed to do business in Illinois, had appointed no agent authorized to accept process, and that the attempted process was in violation of its constitutional rights under the commerce and due process clauses of the U. S. Constitution. The trial court sustained the contention, and the U. S. Court of Appeals affirmed.[5]

Affidavits of the parties disclosed the following facts:

Defendant, a fabrics manufacturer, has maintained a sales office in Chicago, Illinois for over the past quarter of a century. Its officers executed leases for the rented premises. The company name appears on the building directory, office door, and in the Chicago telephone directories. It maintains a commercial account in a Chicago bank, into which, on several occasions, plaintiff's checks were deposited. (Defendant said this was done only to facilitate collection.) On defendant's letterheads, used by the Chicago office, and on its invoices and acknowledgments, appears the address of the local, as well as the home office.

In attacking the service of process, defendant alleged it maintains the local office solely for convenience of its Chicago salesmen, who work on a salary plus bonus basis. Their authority is limited to soliciting orders, subject to confirmation at the home office. All merchandise is shipped directly from the mill at Baltimore to the Illinois customer on an f.o.b. mill basis. The local bank account is used only to pay the salaries of stenographic help, and for office supplies. No agent had been appointed here to accept process.

The U. S. Court of Appeals followed what it held to be Illinois law to the effect that a foreign corporation, whose activities within the State were limited to solicitation of interstate business, was not amenable to local process. The writer is constrained here to point out, as distinguished from the above case, that the cited cases[6] involved railroad companies who had no lines or facilities of any kind in Illinois, operated no cars within the State, and local employees simply solicited freight business which would ultimately move into territory served by their lines. *No other activity of any kind occurred in Illinois.*

In holding that something more than mere solicitation was necessary to sustain validity of local process, the Court said, p. 486—

> "It is true that in the instant case defendant maintained rather elaborate facilities in connection with its activity in Illinois, but, after all, the instrumentalities provided were only in aid of its objective, that is, the solicitation of business within the State. *While the question presented is not free from doubt, we think it was properly decided.*" (our italics)

The constitutional objections to process are derived from several sources. In a momentous decision in the early years of our nation, based on the commerce clause of Section 8, Article I of the Federal Constitution,[7] Chief Justice John Marshall proclaimed the doctrine of freedom for interstate commerce.[8] Undoubtedly, it did much to unify the struggling states, and cleared the way for the development of such commerce free from the shackling bonds which might otherwise have been fastened thereon.

With the later addition of the due process clause of

1 For some attempted definitions, see—
Ruark v. Virginia Trust Co., 206 N. C. 564, 565; 174 S. E. 441
Booz v. Texas & Pacific Ry. Co., 250 Ill. 376, 380
State ex rel Mills Automatic Merchandising Corp. v. Hogan, Mo. App., 103 S. W. (2) 495

2 Hutchinson v. Chase & Gilbert, 45 N. E. (2) 139, 142

3 Fletcher, Cyclop. Corp., Perm. Ed., Vol. 18, Ch. 67, Sec. 8711., p. 337

4 Canvas Fabricators, Inc., vs. Wm. E. Hooper & Sons Co., Inc., C. C. A., Ill., 199 F. (2) 485

5 Further appeal on the jurisdictional issue not being feasible from the client's point of view, suit has since been commenced in Philadelphia, Pa.

6 Bull & Co. v. Boston & Maine Ry. Co., 344 Ill. 11
Booz v. Texas & Pacific Ry. Co., 250 Ill. 376

7 "Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

8 Gibbons v. Ogden, 9 Wheat. 1

the Fourteenth Amendment,[9] foreign corporations steadily fought local action, regulatory, taxing or otherwise, as infringements of these constitutional rights. However, the power of the State to impose reasonable terms and conditions on, and to restrict the exercise of the right of a foreign corporation to do business, is clear,[10] and Illinois has done so.[11] Nor has legal theory remained static over the years.

We are not here concerned with the separate aspects of doing business so as to require compliance with regulatory laws, or to become subject to local taxation, but only insofar as necessary to sustain the validity of local process. These separate aspects do not necessarily require the same ruling. It has been said that—

> "... the business activities of a foreign corporation in a state may be of such a nature as to render it amenable to service of process in an action brought against it in the state, and yet not be sufficient to render it necessary for the corporation to qualify under the requirements of a statute imposing conditions and restrictions upon the right to do business in the State." [12]

Perhaps the leading federal decision, and one which utilizes a fiction of constructive presence and implied consent, to justify the exercise of local jurisdiction over a foreign corporation, is that of International Harvester Company v. Kentucky.[13] While it concerns the taxing power of the State, the breadth of the decision is equally applicable to the phase herein discussed. There, the authority of the company's salesmen was limited to soliciting orders only, subject to confirmation by the general agent outside the State. Shipments were made directly to the customers from different points outside Kentucky.

In sustaining process, the U. S. Supreme Court sought to establish a rule that where a pattern of reasonably continuous business activity was present, it must subject a foreign corporation to local jurisdiction. It said, p. 585—

> "Here was a continuous course of business in the solicitation of orders which were sent to another State, and in response to which the machines of the Harvester Company were delivered within the State of Kentucky. This was a course of business, not a single transaction."

And finally, p. 589—

> "We are satisfied that the presence of a corporation within a State necessary to the service of process is shown when it appears that the corporation is there carrying on business in such a sense as to manifest its presence within the State, although the business transacted may be entirely interstate in character."

More recently, the U. S. Supreme Court reaffirmed this rule, holding process valid where regular and systematic solicitation resulted in a continuous flow of products into the State.[14] The factual situation was similar. The company's salesmen had authority only to solicit orders, subject to confirmation outside the State, and shipments were f.o.b. from points outside the State. Doing away, incidentally, with the fiction of implied consent, the Court said, p. 316—

> *"Due process requires only that in order to subject a defendant to a judgment in personam, if he be not present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice."* (our italics)

And, on p. 317—

> "Presence in the state in this sense has never been doubted when the activities of the corporation there have not only been continuous and systematic, but also give rise to the liabilities sued on, even though no consent to be sued or authorization to an agent to accept service of process has been given."

Increasingly, we find courts throughout the nation tending to the common-sense theory that solicitation resulting in a continuous and systematic course of business, is sufficient to warrant the exercise of local jurisdiction over foreign corporations.[15]

For over twenty-five years, defendant in the instant case has solicited orders from Illinois customers, resulting in a continuous flow of shipments. Would the foreign corporation hesitate to use the local forum to sue for an unpaid invoice? Yet it successfully evades jurisdiction when invoked by the customer who allegedly has been harmed by defendant's action. We say that modern communications and business activity being what they are, to compel the Illinois resident to travel to Maryland or Pennsylvania to seek redress for a wrong occasioned it here, violates the U. S. Supreme Court's stated desire to observe "traditional notions of fair play and substantial justice." [16]

---

9 "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction equal protection of the laws."

10 Alpena Cement Co. v. Jenkins, 244 Ill. 354, 358
Cincinnati I. & W. R. Co. v. Barrett, 406 Ill. 499, 505

11 Ill. Rev. State., Ch. 32, Sec. 157, 102, 103, 210, 212

12 Fletcher, Cyclop. Corp., Perm. Ed., Vol. 17, Ch. 67, p. 468

13 234 U. S. 579

14 International Shoe Company v. Washington, 326 U. S. 310

15 "The fundamental principle underlying the 'doing business' concept seems to be the maintenance within the jurisdiction of a regular, continuous course of business activities, whether or not this includes the final stage of contracting." Frene v. Louisville Cement Co. 134 F. (2) 511, 515. Solicitation, plus the maintenance of an office was there held sufficient to validate local process

Also, see the following cases:

Boyd v. Warren Paint & Color Co., 254 Ala. 687, 49 So. (2) 559

West Publishing Co. v. McColgan, 166 P. (2) 861, Calif.

American Asphalt Roof Corp. v. Shankland, 205 Iowa 862, 219 N. W. 28

Atlantic Nat. Bank v. Hupp Motor Car Corp., 209 Mass. 200, 10 N. E. (2) 131

Cohn-Hall-Marx Co., v. Feinberg, 214 Minn. 584, 8 N. W. (2) 825

Tauza v. Susquehanna Coal Co., 220 N. Y. 259, 115 N. E. 915

Schumann v. National Pressure Cooker Co., 10 N. Y. S. (2) 743

Raquet v. Messenger Corp., 46 N. Y. S. (2) 306

Vilter Mfg. Co., v. Rolaff, CCA Mo., 110 F. (2) 491

Bomze v. Nardis Sportswear, Inc., 165 F. (2) 33

And for clear, concise reasoning, See U. S. District Judge Holly's opinion in Elgin Laboratories, Inc. v. Utility Mfg. Co., 26 Fed. Supp. 918, holding that solicitation plus the maintenance of a local office, name on door and in telephone directory, constitutes doing business. Unfortunately, the U. S. Court of Appeals chose to disregard this case, and it cannot be said to illustrate Illinois law.

16 International Shoe Co. Washington, supra.
Traveler's Health Ass'n. v. Virginia, 339 U. S. 643

The underlying purpose of limiting service upon a foreign corporation being to insure the freedom of interstate commerce from unreasonable and undue burdens, the writer submits that in the last analysis, the only true test of jurisdiction in such cases ought to be a determination of the reasonableness of its exercise. In each case, the degree of interference with interstate commerce must be weighed against the propriety of depriving the plaintiff of his own local forum. The Illinois Supreme Court has followed dogmatic precedent, rather than principles of fair play and substantial justice. The questions to be asked we say, are—

> "Do the defendant's local activities, taken together, make it reasonable that it should be subjected to a suit away from its home state? Is it fairer that the plaintiff should go to Boston, than that the defendant should come here?" [17]

We can but hope that in time, Illinois courts, too, will recognize the justice of applying the rule of reasonable exercise of jurisdiction over foreign corporations in solicitation cases, particularly where a continuous and systematic course of business is the result of such solicitation. In the meantime, what constitutes "doing business" in Illinois?

[17] Judge Learned Hand in Hutchinson v. Chase & Gilbert, supra.

APPLICATIONS FOR MEMBERSHIP

LEONARD HANDMACHER and H. BURTON SCHATZ, *Co-Chairmen*

APPLICANTS	*SPONSORS*
Norman R. Bolotin	Melvin A. Heller and Lionel J. Berc
Daniel Cahen	Maurice L. Blonsley
Allen H. Dropkin	Barnet Hodes and Benjamin Weintroub
Arnold M. Flamm	Samuel D. Golden
Marvin Green	Samuel D. Golden and Albert Schwartz
Simon Horwitz	Harry D. Cohen
Philip N. Hyman	Jack E. Dwork and Nathan Schwartz
Alexander Kaplan	Benjamin Weintroub and Paul G. Annes
Earl M. Leeds	Maurice J. Freedman and H. Hess Ruben
Edward H. Levi	Barnet Hodes and J. Herzl Segal
Stanley H. Levin	L. Louis Karton and Richard Fischer
Sylvan N. Mack	Maurice L. Blonsley
Erwin L. Martay	Harry A. Iseberg and Elmer Gertz
Hyman A. Pierce	Benjamin Weintroub and Paul G. Annes
Harvey Sussman	Richard Fischer
Theodore R. Pickard	Paul G. Annes, Harry A. Iseberg and Elmer Gertz
Albert G. Skar	Paul G. Annes and L. Louis Karton
Eliot R. Weston	Jerome Sirota and M. M. Friedman
Herbert L. Wisch	L. E. Handmacher and Harry A. Iseberg

Decalogue Society Honored

The Decalogue Society of Lawyers was honored on March 3rd at a dinner in the Covenant Club in a unique ceremony participated in by a representative of the local Israel Consulate. Several Zionist, communal, and industrial leaders in the Middle West and Israel dignitaries from New York and abroad were present. Ampal—American Palestine Trade Corporation sponsored the event. Our Society was formally presented with a bronze statuette, in token of recognition of our consistent interest to the State of Israel. Our financial secretary, Judge Henry L. Burman of the Superior Court and President of the Covenant Club, presided at the meeting.

Captain Ammon S. Barness of Israel, Vice President of Israel Securities Corporation presented the award which was accepted on behalf of our Society by President Harry A. Iseberg. Captain Barness said, in part:

> "The Decalogue Society of Lawyers was the first professional group in the city of Chicago which embarked on a policy of active support of the mobilization of American capital investment for the upbuilding of the State of Israel.
>
> "It is thanks to this group as well as many individuals and other groups like this that the Israel Government was able to furnish power, roads, communication and transportation facilities for private industry to utilize."

President Iseberg expressed his keen appreciation at the signal honor accorded The Decalogue Society of Lawyers saying, that:

> "As American lawyers of the greatest democratic country in the world we view with great concern the present struggle of our co-religionists in Israel to establish themselves politically, spiritually and economically in the face of opposition from the Arab World and now from the Soviet Union.
>
> "It is my conviction that no member of our association can remain indifferent or inactive to the plea for assistance in the efforts of the new State to make itself self-sustaining and independent."

SAMUEL L. GOLAN

Member Samuel L. Golan was appointed by President Eisenhower to be chairman of the International Joint Commission of the United States and Canada. This commission studies problems requiring joint action by the United States and Canada. Golan was, formerly, special assistant corporation counsel of Chicago. He was also chairman of the board of review of the Illinois Department of Labor.

Decalogue Members – Civic Leaders

Following the publication in the last issue of The Decalogue Journal of articles by our members dealing with *Jewish War Veterans of America,* and the *American Jewish Congress,* The Journal continues with stories of other nationally known Jewish organizations.

At the invitation of the Editor, members of our Society, leaders of associations that number in their ranks thousands of followers, will report in subsequent issues of The Decalogue Journal on the activities, objectives and significance of organizations they represent.

The Jewish Labor Committee

By SAMUEL H. HOLLAND

Member Holland is chairman of the public relations committee of the Chicago division of the Jewish Labor Committee. Long identified with civic and philanthropic activities, Holland is a director of The Jewish Welfare Board of Chicago.

The Jewish Labor Committee was organized in February, 1934, as the central body of organized Jewish labor in the United States to fight anti-Semitism, and as the representative organ authorized to speak in behalf of Jewish labor regarding general Jewish affairs. The organizations affiliated with the Jewish Labor Committee have a total membership of about 400,000. Branches of the JLC exist in practically all the cities of this country and Canada.

Aims and Objectives

Among the aims and objectives outlined at its first organizational conference are as follows:

To help Jewish workers develop and apply a consistent program and policy on all important questions pertaining to Jewish life. To fight for the protection of the civil, political and religious rights of the Jewish masses in all countries and to encourage all progressive and democratic elements throughout the world in their struggle against fascism, nazism, and anti-Semitism.

To aid in the reconstruction and rehabilitation of Jewish life on a productive basis.

To fight for the right of free immigration in all countries including Palestine.

To work in closest contact with the organized Jewish and non-Jewish labor movement in the struggle against fascism and anti-Semitism, to aid Jewish and labor refugees and other victims of fascist persecution.

To acquaint the general labor and progressive movement of America with the plight of the Jews in the fascist and semi-fascist countries, with their struggle for the right to live and to work, and to enlist in this struggle the support of all liberal forces.

To impress upon the Jewish masses that they must fight hand in hand with the general forces of democracy and social advancement; that the fight against anti-Semitism is part of the general struggle against fascism and reaction, and that they must support all liberal and labor victims of fascist aggression.

To carry on and to intensify the boycott against nazi-made goods and services.

Activities

In furtherance of these aims, the JLC has engaged in the following activities:

It has inspired the Jewish labor and liberal forces in the United States to participate in all important Jewish movements. It has been one of the four national organizations which organized the "General Council for Jewish Rights," and later the National Community Relations Advisory Council.

Through the crucial years of 1933 to 1939, it had, together with the American Jewish Congress, sponsored and carried on the boycott against nazi-made goods and services. The JLC had been instrumental in obtaining the support of organized labor in the United States for the anti-nazi and anti-fascist campaigns.

Throughout the war years the JLC raised and spent nearly two and a half million dollars for the support of underground activities for European labor movements and on the rescue of Jewish and other victims of German persecution.

The JLC is active in the struggle against anti-Semitism in the ranks of labor and has in this work the energetic support of the A. F. of L. and C. I. O. It maintains a press service supplying some 1,200 labor publications in the United States with reading and visual material against racial intolerance. It maintains an educational program to make American labor aware of the potential and active dangers inherent in totalitarian ideologies, racial intolerance, and religious bigotry.

It is the free, democratic instrument of the Jewish working people in this country and serves as the link between American and international organized labor and the Jewish community. Together with other leading organizations of American Jewry, the JLC has participated in the fight of the American Jewish community against immigration restrictions and for help to Israel.

A Civic Agency

The Chicago Division of the JLC never fails to participate and express its view on matters affecting this community, and the component groups of JLC are actively participating in the campaigns of the Jewish community to maintain its institutions at home and help our people in Israel and other lands. It has cooperated with other agencies in numerous activities, ever ready to develop the democratic processes in American Jewish life, as well as enlarge opportunities for Jewish education. JLC considers itself a part of the great City of Chicago and it is vitally interested in all problems affecting the welfare of the City.

The Hebrew Immigrant Aid Society

By IRVING S. ABRAMS

Member Abrams is the treasurer of the Chicago Hebrew Immigrant Aid Society and chairman of its division of affiliated organizations. Abrams is a frequent lecturer on literary and economic subjects.

The Hebrew Sheltering and Immigrant Aid Society (HIAS) was founded 68 years ago. Its national and international offices are located in New York City. Chicago HIAS is the largest of the branch offices in the United States. HIAS operates on a global basis and is represented in 50 countries through branch offices or affiliated organizations. HIAS's traditional functions are supplying technical information, documentation, reception, pier services, sheltering and location services.

From 1933 to the end of 1952, 142,120 migrants were discharged to HIAS by government officials after receiving HIAS assistance through landing formalities. All told in 1952 HIAS offices in Europe were able to effect immigration of 13,108 persons to overseas countries.

Recognized by the International Refugee Organization, the Displaced Persons Commission, Consular and Immigration officials as representing cases of displaced persons which originated with HIAS, AJDC and USNA, the Coordinating Committee was able to represent the Jewish DPs applying for U. S. visas under the provisions of the DP Act of 1948.

Through the medium of branch offices and committees throughout the United States, the functional services of HIAS continue to be made available to sponsors of immigrants, to prospective immigrants, new arrivals, and to others requiring aid in the complicated details concerned with immigration and related matters.

Location is an important HIAS service, for many thousands of Jews are constantly seeking relatives and friends of whom they have lost all trace. World War II, which has been over for more than seven years, scattered Jewish families to the far winds, and caused countless thousands of Jews to lose all contact with their relatives and friends and all knowledge of whether they were alive or dead. Jews in America and abroad, during 1952 continued to call upon HIAS to help them trace their lost kin. From 1944, and up to the end of 1952, more than 300,000 requests for location were received and more than 150,000 locations were made by The Hebrew Immigrant Aid Society.

The HIAS files contain enormous and exhaustive lists of scattered and isolated Jews throughout the entire world, and these lists, constantly added to, continue to be of vital aid in effecting reunion and, frequently, ultimate migration. Worldwide search and correspondence have often attended a single location and, frequently, involved years of effort. As long as a Jew will wander over the face of the globe, HIAS stretches out its hand to help him in his journey.

Scholarship for Hebrew University Law School

At a meeting of the Covenant Club held on April 15, 1953, the Decalogue Society embarked upon its long-planned program to assist the Law School of the Hebrew University in Jerusalem. The plan contemplates the establishment of several annual scholarships at the Law School, a few fellowships in American law schools for outstanding graduates, and the acquisition of books for the Law School. The project was approved by the Board of Managers some while ago, and has for its purpose the maintenance of the closest relationship between our group and the school, which furnishes most of the civil servants of the new democracy of Israel. The specific plans grew out of the suggestions made to us by Professor Norman Bentwich on his recent visit, some of which were printed in an earlier issue of The Decalogue Journal. Superior Court Judge Samuel B. Epstein has accepted the chairmanship of the new committee; the vice chairmen are expected to be Judges Henry L. Burman, Harry M. Fisher, Julius J. Hoffman, A. L. Marovitz, and Julius H. Miner, with Nathan Schwartz acting as executive vice chairman. The project will be under the close supervision of President Harry A. Iseberg and Vice Presidents Paul G. Annes and Elmer Gertz.

"It is fitting that the largest Jewish lawyers' group in the United States should encourage the legal and cultural development of the people of Israel," said President Iseberg, in announcing the project.

MAYNARD WISHNER

Member of our Board of Managers, Maynard Wishner, has retired as acting director of the Chicago Commission on Human Relations and is now on the staff of the Corporation Counsel's office, City of Chicago.

BENJAMIN SAMUELS

Member Benjamin Samuels was feted by the Adolph Kraus B'nai B'rith Lodge at a banquet, at the Covenant Club, March 18th. The occasion celebrated Mr. Samuels' 75th birthday and his 50 years of service to the B'nai B'rith.

PROBLEMS OF MINORITY GROUPS

Our Board of Managers approved a recommendation of Elmer Gertz, chairman of our Civic Affairs Committee, that there be established a new section in our library devoted to legal source material relating to problems of minority groups in the area of civil rights and liberties. In commenting upon his proposal Gertz stated:

> While it is true that such material is presently available in a variety of forms in various sections of law school and bar association libraries, the task of gathering it together in connection with a specific research assignment would be time-consuming and extremely burdensome . . . assistance in the collection of material could be solicited from our membership and from other individuals and organizations who have been engaged in work in this field.

JUDGE HENRY L. BURMAN

Judge Henry L. Burman of the Superior Court, Financial Secretary of our Society and President of the Covenant Club of Illinois, has accepted the chairmanship of the Israel Bond Committee of Chicago for 1953.

LEO H. LOWITZ

Member Leo H. Lowitz, widely known communal leader, was appointed attorney for The Department of Registration and Education, a post that he held four years ago.

SAUL A. EPTON

Member of our Board of Managers, Saul A. Epton, was appointed a member of the Civil Service Commission. From 1941 to 1945 Epton was Assistant Attorney General.

LOUIS N. BLUMENTHAL

Member Louis N. Blumenthal was appointed chairman of the Board of Review of the Unemployment Division of the Department of Labor.

HERMAN B. GOLDSTEIN

Member Herman B. Goldstein gave the Lincoln day address before the First Baptist Church at Princeton, Illinois, at their annual Lincoln Day Banquet, February 11.

Recent Illinois Cases on Matrimonial Law

By MEYER WEINBERG

Member Weinberg is at work on a volume entitled: *Illinois Handbook on Divorce, Separate Maintenance and Annulment.*

Problems involving divorce, separate maintenance and annulment, the "triplets" of marital litigation, are among the most pressing of the many daily problems besetting the lawyer. Concomitant with his social obligation to explore and attempt conciliation, is his duty to keep intimate acquaintance with the current case law. Accordingly, as a time saver, the following cases were selected from an abundance of recent decisions, as interesting and informative.

Nature of Husband-Wife Litigation—

Brandt vs. Keller 413 Ill. 503 (Jan. 1953)

In this case the Supreme Court of Illinois reversed the Appellate Court and affirmed the trial court ruling, which establishes that a married woman may maintain an action for damages against her husband for personal injuries caused by his wilful and wanton conduct.

Though not originating in a divorce or separate maintenance proceeding, this case will be a landmark in Matrimonial law by its clear delineation of the separate entity of a married woman in all litigation. The problem of joinder in divorce and separate maintenance, specifically with reference to property rights in separate maintenance now in conflict, should be re-studied in the light of this decision.

Marriages—Whelan vs. Whelan 346 Ill. A. 445 (2nd Dist. April 1952)

This case restates for the first time in many years that "first cousin marriages" made in Illinois or elsewhere by Illinois residents in avoidance of Illinois law, are void in Illinois.

Nevada Decrees "Full Faith and Credit"—

Ludwig vs. Ludwig 413 Ill. 44 (Sept. 1952)

This case involved the validity in Illinois of a Nevada decree granted to a wife, an Illinois resident, who went to Nevada to circumvent Illinois laws and secured a divorce based on mental cruelty, remarried and went on to Wisconsin. The Supreme Court of Illinois reaffirmed the Illinois law, consistent with the decisions of the U. S. Supreme Court, that Illinois, in determining whether it shall give "full faith and credit to a sister-state decree (Nevada), may inquire into and determine the bona fide character of the domicile in the divorce forum, of the party granted a divorce.

Property Rights in Separate Maintenance Proceedings—

Ribbengaard vs. Ribbengaard 349 Ill. A. 99 (Jan. 1953)

With reference to the disposition of property rights in separate maintenance proceedings, this case permitted such relief because the defendant also asked for it and offered evidence.

This case merely adds friction to the conflict now existing as expressed in (Glennon vs. Glennon 299 Ill. A. 13) (Petta vs. Petta 321 Ill. A. 512) and (Olmstead vs. Olmstead 332 Ill. A. 454), as to whether property rights may be disposed of in a separate maintenance proceeding.

Removal of Child from Illinois—

Schmidt vs. Schmidt 346 Ill. A. 436 (2nd Dist. April 1952)

The court stated that modern ways of living require the adoption of a view that when circumstances demand it for the best interests of a child, it should be permitted that the child be taken outside of the state of Illinois.

It is interesting to note that, this, an Appellate Court decision expressly states that it is taking a position contrary to another Appellate Court case, Seaton vs. Seaton, 337 Ill. A. 651 and Supreme Court case, Miner vs. Miner 11 Ill. 43.

Surviving Parent's Right to Custody against 3rd Parties

Jarrett vs. Jarrett 348 Ill. A. 1 (3rd Dist. June 1952)

The court reaffirmed Illinois law that a surviving father has a paramount right to custody of his child against grandparents or any third parties as long as he is fit and proper to have custody and has not forfeited any custody rights.

Adultery as a Ground for Divorce—

Meyer vs. Meyer 343 Ill. A. 554 (1st Dist. June 1951)

This case is of 1st impression in Illinois and has a unique set of facts.

Where the husband, after receiving a decree of divorce remarried and a child was born, and 18 months later the decree was set aside on collateral attack for lack of jurisdiction, (neither party resided in the county) and husband filed a new action for divorce and it was contended that cohabitation during second marriage constituted adultery, the court held it not to be adultery.

Constructive Desertion as a Ground for Divorce (1)—

Webber vs. Webber 349 Ill. A. 154 (1st Dist. Jan. 1953)

This is a vivid example of what is not "constructive desertion."

Court held as insufficient, evidence that wife's alleged nagging for spouse's money, attempting to kick her husband's shins, tearing off his shirt, and threatening to kill him though there was no basis for reasonable fear that wife could so do; the Court stated that these acts did not warrant husband leaving wife so as to make her guilty of desertion; that to justify "constructive desertion," acts relied upon must be of such character as to support a divorce for cruelty.[1]

Modification of Alimony and Child Support—

Winkewerder vs. Winkewerder 349 Ill. A. 161 (1st Dist. Jan. 1953)

This case, though reported as an abstract decision, established that defendant husband who owned two-thirds of company stock and reduced his salary substantially but made up the necessary cash he needed by selling some of his stock to his company for $12,000, couldn't use this subterfuge, and as far as his wife and child are concerned, the $12,000 was income and so considered.

[1] There is a less severe rule in Separate Maintenance.

Condonation as a Defense to Divorce Proceeding—McGaughy vs. McGaughy 410 Ill. 596 (Jan. 1952)

This case carried the doctrine of condonation to the furthest degree of latitude that has yet appeared in Illinois case law, by denying the defense of condonation wherein wife lived in same house and occupied same bed with husband for 14 days subsequent to cruelty relied on, because "her's was anything but a warm heart and a forgiving soul, but on the contrary cold and uncommunicative," and that condonation is not full forgiveness unless it is accompanied by such operation of the mind.

Rasgaites vs. Rasgaites 347 Ill. A. 477 (1st Dist. July 1952)

This case is the most recent legal expression that[2] cruelty is not condoned by the fact that husband and wife lived in the same home but in separate rooms; this is of course consistent with the more extreme McGaughy vs. McGaughy, supra.

Scope and Effect of Decree of Divorce Relative to Property—Rosenberg vs. Rosenberg 413 Ill. 343 (Nov. 1952)

Where husband (doctor) and wife by agreement merged in divorce decree, expressly agreed that neither party is to sell certain realty owned by them as co-tenants, and wife's contention in her partition proceeding is that this restraint against sale is void against public policy, the court decided that the agreement and decree is enforcible as an agreement not to partition, because the circumstances show that Appellee-Doctor—had occupied this property as his home, and more particularly as the site of his medical practice built over a period of 16 years.

[2] There is a different rule in Separate Maintenance.

FEDERAL APPELLATE PRACTICE

Member of our Board of Managers, Harry G. Fins, is the author of another work acquaintance with which should prove of considerable help to the lawyer who seeks factual aid in the field of Federal practice. Fins' new contribution to legal lore is entitled *Federal Appellate Practice (With emphasis on the Seventh Circuit)*. It may be obtained, free, by addressing the author at 77 W. Washington St., Chicago 2.

Federal Appellate Practice is a handbook in pamphlet form which outlines and analyzes the different types of appeals from the United States District Courts (with emphasis on the Seventh Circuit) to United States Courts of Appeals and, finally, to the United States Supreme Court. The handbook also differentiates between appeals as a matter of right and those by certification and certiorari.

Fins is also the author of *Illinois Motion and Petition Practice, Illinois Administrative Procedure, Illinois Administrative Review Act,* Annotated, *Illinois Civil Practice, Illinois Procedure, Appeals and Writs of Error in Illinois.*

Modern Jury Instructions

By JUDGE FRANK G. SWAIN

Ladies and gentlemen of the jury:

The time now arrives
To brighten your lives
By reading unending instructions
Though it is a fiction
That you heed my diction
When making juristic deductions.

A negligent act
Has this nub of fact
Your standard's the man who is prudent.
But do not ask me
What his conduct should be;
Whatever your guess is concludent.

"The Proximate Cause"
Must now give us pause.
For some it's a doctrine quite testy
But you needn't fear
I'll make it all clear
It's causa causans of res gestae.

You must not guess which
Defendants are rich
Or that they have heavy insurance.
"Res Ipsa" today
Doesn't mean power to pay;
Ignoring that tries one's endurance.

Your verdict must state
What should compensate
For pain of a spinal compression.
Though wholly untrained
In prices for pain
All this lies in your sound discretion.

If you can agree
After these words from me
I shall be surprised and delighted.
It's gambling I know,
Like win, place or show
But for this you can't be indicted.

Courtesy of the Author and "Case and Comment"

BOOK REVIEWS

Divorce in the Americas. A resume of divorce laws by Gordon Ireland and Dr. Jesus de Galinez. Dennis & Co., Inc. 306 pp. with index. $12.50.

Reviewed by MATILDA FENBERG

A member of our Board of Managers, Miss Fenberg is chairman, Uniform Divorce Bill Committee, National Association of Women Lawyers.

The authors of *Divorce in the Americas,* have condensed into one volume the substance and operation of the law of divorce as to the institution of absolute divorce or separation of body and property (a mensa et thoro) in the legislation and jurisprudence of each of the nations, colonies, and possessions in North and South America. They have followed a systematic order of uniform method of treatment throughout by giving an historical sketch, causes for divorce or separation, procedure, effects, separation, conflict of laws and bibliography for each state or colony. Although it is all necessarily condensed, it is extremely easy to find a wanted topic. The historical developments will remain valid and accurate and will always furnish a starting point for further research.

The discussion of each topic was accurate and up-to-date in 1947 when this volume was published but since that time, some changes have been made in the divorce laws of the various states of the United States. (South Carolina now permits divorce.) The authors did not attempt to go into details of facts of the federated Republics like the United States and Mexico as they realized that any experienced lawyer would be able to get the laws in these jurisdictions with little effort. There is a discussion, however, of the peculiar problems created by the close and free intercourse between the forty-eight States having separate and different laws upon the subject of divorce. They point out that the legislatures have been unwilling and courts have shown themselves unable to cure the evils or to manage with justice the consequent uncertainties that beset the validity of marriages, the legitimacy of children and the ownership of property. They show that reforms, outlines and resolutions have been proposed in generous profusion and various attempts have been made to make uniform small sections of law but they found no data regarding the enactment of a Uniform Divorce Law which they seemed to favor.

A Uniform Divorce Bill was recently (February 23, 1953) introduced into the State Legislature of Arkansas and will in the near future be introduced into various State Legislatures of the United States. It is sponsored by the National Association of Women Lawyers. This Uniform Divorce Bill sets forth simply and clearly the specific minimum requirements for a good family relationship and gives the Court the right to terminate the status only upon the ultimate showing that a particular family fails to meet these minimum requirements.

Divorce in the Americas is valuable to a lawyer who wishes to familiarize himself quickly with either the common or civil laws to ascertain the general requirements of the jurisdiction in which he is interested so that he can advise his client as to what the fundamental conditions are and correspond intelligently with his local consultant. The volume has a final chapter on Comparative Law which gives a general view of divorce in the Americas, grouping the various forms of similarities and differences. It states that there are actually but six American States which do not have absolute divorce: Argentina, Brazil, Chile, Colombia, Paraguay and South Carolina. No doubt the next revision will take up the changes which have taken place since its last publication.

The Judicial Humorist. Edited by William L. Prosser. Little, Brown & Company, Boston, Mass. 284 pp. $5.00.

Reviewed by ARCHIE H. COHEN

In these eventful days, filled as they are with tensions, conflicts, and uncertainties, a sense of humor is a saving grace. *The Judicial Humorist* is a collection of judicial opinions, odd, amusing, caustic and, upon occasion, even startling, edited by William L. Prosser, Dean of the School of Law, University of California. Dean Prosser, an eminent lawyer and teacher, demonstrates conclusively that the Bench and Bar are capable of laughter at their own expense. Satirical verse and prose by such writers as Mark Twain, Finley Peter Dunne, A. P. Herbert, Judge John C. Knox, Jerome K. Jerome, Donald Richberg, and many others, provide entertaining reading for lawyers and laymen alike. One chapter is entitled, "The Law is a Ass," and among others are "Disorder in Court," "Women and Other Necessary Evils," and . . ."The Things That Go On". . . This book is good for many laughs.

Handbook on the Law of Evidence, by John Evarts Tracy. Prentice-Hall, Inc. 382 pp. $5.35.

Reviewed by ELMER GERTZ

Every attorney who appears frequently in the trial of cases stands in need of a compact and usable book on the law of evidence, something that is not necessarily exhaustive, but which touches upon all of the evidentary problems likely to arise in the course of litigation. This book is long enough to cover a wide

variety of questions and short enough to carry around in one's briefcase.

It starts at a pace leisurely enough to include a brief history of the law of evidence, and then goes on to discuss how to use judicial admissions in trials, the burden of proof and presumptions, judicial notice, admissibility of evidence, documentary evidence, the parol evidence rule, witnesses, opinions, hearsay, circumstantial evidence, real evidence ("autoptic preference"), use of evidence illegally obtained, and contracts to alter or waive rules of evidence.

Under each of these broad headings, all of the usual, and many of the unusual, problems are grouped. There is an exceptionally long and thorough index, which is really a guide to the contents of the handbook, instead of being, as is often the case, simply a complicated and exasperating means of concealment. Most of the points are covered by footnotes, not overlong, but quick guides to the best authorities, chiefly Wigmore on Evidence, Third Edition.

The difficulty with this work, unavoidable in the circumstances, is that the nuances of the rules of evidence are not given. In other words, this is a book for an off-hand or quick opinion, and not for a considered judgment.

Copyright Problems Analyzed. An analysis of the Law of Copyright by various authors, delivered before the Copyright Institute of the Federal Bar Association, New York City. Commerce Clearing House, 184 pp. $3.00.

Reviewed by FRANK H. MARKS

This booklet presents the lectures of seven specialists in the field of Copyright Law. All are authorities in the field, most of them serving as general counsel to leading concerns such as broadcasting companies, publishers, etc., which have a constant flow of copyright problems, and some of them are additionally professional lecturers on Copyright Law.

It is a booklet which might be read in an evening for entertainment and profit. The lectures do not pretend to be reference works for any member of the bar having a specific copyright problem but rather are designed to present a perspective view of various aspects of the field in order that one not specializing in this branch of law may be apprised of the types of problems which might be encountered. The lectures deal with the following subjects:

> Practical Problems of Copyright; Authors' Rights; The Law of Broadcasting; Public Performance Rights in Music and Performance Right Societies; Business Practices in the Copyright Field; The Perils of (Publisher) Pauline, or the Peculiar Problems of Book Publishers Featuring Copyright Defamation and Right of Privacy; Copyright Litigation.

When we said that this work might be read for entertainment as well as profit, we were thinking of the numerous specific cases which spice the various lectures and make them extremely readable. For example, in connection with the Right of Privacy, reference is made to litigation by an individual who maintained that he was portrayed in the character of Major Joppolo in the novel *A Bell For Adano,* dealing with Allied Military Government in Italy. The book purported to present actual characters although the names were said to have been changed and the plaintiff, relying on a New York law against unauthorized publication of a "portrait," maintained that the verbal character sketch of Major Joppolo constituted his portrait. The trial court agreed with the plaintiff but, fortunately for every one in the publishing business, was reversed on appeal. One can imagine the flood of litigation which might be opened up if the courts were to follow the plaintiff's theory in that case.

Danger signals are raised throughout these lectures as to the kinds of copyright problems which might be encountered, and obviously many more exist than could possibly be suggested in a publication of this character, which point up to the fact that a thorough knowledge of this highly technical field is necessary if a client is to be adequately served.

Handbook of Law Study, by Ferdinand F. Stone. Prentice Hall. 164 pp. $2.95.

Reviewed by LOUIS J. NURENBERG

It is the intent of this brief volume to tell the prospective law student what he can expect and what may be expected of him in the career of law. The book deals with choice of school, pre-legal education and curriculum. It is good in its description of case book study, preparation for examinations, and spotting legal problems. It should answer the main questions of such law students who are not in the fortunate positions of inheriting law practices or sinecures.

The book stumbles, however, when it attempts an approach to historical, analytical, sociological or economic problems as these may affect the budding lawyer. These cannot be dealt with adequately in the short space allotted, and should have been omitted as too confusing to a beginner. For the same reason, the section on courts, judges and juries should have been left to a regular law course. The chapter on legal ethics is excellent and stressed in proper relation with the career of law.

This is a good book for a law student to read. It has significance, too, to a lawyer of even many years of experience in that a veteran in the profession may take an inventory of his achievements—or lack of same —in the light of "what might have been" had he early had the benefit of this book.

JUSTICE ROBERT H. JACKSON

In an address before the Executive Club of Chicago, at the Sherman Hotel, at a luncheon on Friday, February 20th, Justice Robert H. Jackson of the United States Supreme Court reviewed briefly his experiences at the Nurenberg, Germany trial of war criminals. Justice Jackson was the presiding judge in what is doubtless the most sensational legal process in the story of mankind.

The German criminals, the Judge said, were brought before the bar of justice mainly on two counts, waging an aggressive war and crimes against humanity—genocide. The Justice dwelled upon the attitude of utter callousness of all of the defendants who, confronted with incontrovertible written evidence of their atrocities, manifested no remorse or regret with the enormity of the offenses committed. More than six million Jews, he said, were destroyed by the Nazis. Over four million men were brought in from occupied countries as slave labor to build and sustain the German war machine.

The Judge cited the many safeguards taken by the court to guarantee the defendants opportunities to disprove the charges and allegations made in the indictments rendered.

The Justice voiced deep regret that two prisoners, Schacht and Von Papen, were found not guilty. Not enough evidence, he said was marshalled by the prosecutors to convict these two. Justice Jackson recalled that the banker, Schacht and the diplomat, Von Papen, begged to remain in prison for fear if released of being lynched by fellow Germans.

The Justice expressed an oft reiterated hope that the precedent established in holding the Nurenberg trials may prove a deterrent to other nations bent on conquest and conduct of strife in disregard of civilized rules of warfare.

HARRY ABRAHAMS

Member Abrahams was elected President of the Multiple Sclerosis Foundation of America.

MICHAEL LEVIN

Member Michael Levin is the author of an article entitled "Proposed Uniform Divorce Bill" published in the "Women Lawyers Journal," Winter, 1952-1953.

Lawyer's LIBRARY

NEW BOOKS

American Institute of Accountants. *CPA Handbook.* Vol. I. New York, The Author, 1952. $27.00. (Vol. 2 to be published later)

Blackwell, T. E. *Current legal problems of colleges and universities,* 1951-1952. St. Louis, Washington Univ., 1952. $1.00.

Chicago Committee of 19. *Final Report.* Chicago, 1952. 39 p. Apply.

De Paul University. *Institute on Federal Taxation,* 1952. Chicago, Callaghan & Co., 1953. 256 p. $8.50.

Garlin, Sender. *Red tape and barbed wire;* close-up of the McCarran law in action. New York (23 W. 26th St.), Civil Rights Congress, 1952. 48 p. Apply.

Illinois. University. *Institute of Government & Public Affairs.* State government insurance practices in Illinois. Urbana, The Author, 1952. 40 p. Apply. (Mimeo.)

Lombard, J. F. *Illegitimacy, divorce and blood tests.* Boston, Boston Law Book Co., 1952. 958 p. $20.00. (Vol. 3 in the Massachusetts Practice Series)

Martin, J. B. *Adlai Stevenson.* New York, Harper, 1952. 175 p. $2.50.

McCormick, M. J. *The narcotic addict in Chicago.* Chicago, Crime Prevention Bureau, 1952. 39 p. Apply. (Mimeo.)

Mayers, Lewis & Martin, Charles. *Materials in the law of negotiable instruments.* 2d ed. New York, City College Press, 1952. 354 p. $2.75.

Peattie, Rod. & Peattie, Lisa. *The law: what it is and how it works.* New York, H. Schuman, 1952. 146 p. $2.50.

Phillips, O. L. & McCoy, Philbrick. *Conduct of judges and lawyers.* A study of professional ethics, discipline and disbarment. A final report for the Survey of the Legal Profession. Los Angeles, Parker & Co., 1952. 247 p. $5.00.

Raup, Ruth. *Intergovernmental relations in social welfare.* Minneapolis, Univ. of Minnesota Press, 1952. 234 p. $3.00.

Reprinted from "Current Legal Publications" with the permission of the Northwestern University Law School Library

MARVIN D. MICHAELS

Member Marvin D. Michaels recently admitted to the Illinois bar is the first member of the Society to answer our country's call in 1953. Michaels, a private, is stationed at Camp Atterbury, Indiana.

DAVID J. SHIPMAN

Member David J. Shipman was appointed Federal Master in Chancery by Judge J. Sam Perry, of the United States District Court, Northern District of Illinois.

A BID FOR RESTITUTION

. . . The American authorities from the first days of the occupation pressed for adequate forms of restitution to the nazi persecutees, and I think it is fair to say that legislation in our zone on this subject carried the program farther than in any other zone, though recently the system has been generally made uniform throughout West Germany.

The Adenauer Government, with the support of the social Democrats, the chief opposition party, has not only conformed to this principle, but to some degree gone even farther to bring about a real measure of restitution to the nazi victims.

The present leaders of Germany acknowledge that it is, of course, impossible to make restitution as a moral or a practical measure for the hideous wrongs of which the Hitler regime was guilty. It is a contradiction in terms to speak of taking credit for restitution programs of this sort. Yet, in justice to the government of the Federal Republic, I think the extent to which efforts have been made should be recorded.

To date about $190,000,000 worth of tangible properties have been returned to persecutees in the United States zone under rather drastic laws which permit the original owner to penetrate intermediate transfers of title. When the program is completed, I should imagine that this figure would be something around $250,000,000 for the zone. Progress in the British zone is now under way and there the value of the returned property under the Persecutees' Act will probably exceed that of the United States zone. In the French zone, similar restitution laws have now been enacted. Though I do not have the statistics for that zone, I should say that properties whose value will constitute a substantial figure, though somewhat less than that of either the British or American zones, will be returned.

In addition, the Federal Republic has undertaken to pay a restitution judgment against the Reich itself up to about $357,000,000. Under the General Claims legislation, as distinguished from the Return of Property legislation, as of August 31, 1952, the victims of Nazi persecution have received compensation benefits and payments amounting to about $36,000,000. The complete program will involve a total payment of about $130,000,000 in the United States zone, and for all western Germany I should estimate that compensation in the amount of about $300,000,000 would be paid under this legislation.

Another important step in restitution has been taken. The Federal Government has agreed to pay the State of Israel in the form of goods and services over a period the sum of $822,000,000. This program is due mainly, if not exclusively, to the initiative of Dr. Adenauer. This sum is divided into two parts—$715,000,000 will be paid to and will stay in Israel as a contribution to the support of that country, so many of whose expenses are so directly attributable to the need for finding a place of refuge for the many expellees driven from their homes by nazi excesses. The balance of $107,000,000 will be paid to Israel, but in turn will be allocated by Israel to the Jewish Conference on Material Claims which is representing Jews outside of Israel, mainly those in the United States.

As a rough estimate of the total amounts involved, I should say that the total to be paid to persecutees of the nazi regime will amount approximately to two billion dollars, which is not an inconsiderable sum considering the many other burdens which the new German State is finding it will have to bear. . . .

From Germany and the New Europe

By GEN. JOHN J. McCLOY

Reprinted by special permission of THE RECORD, of the Association of the Bar of the City of New York, Volume 7, Number 9, December, 1952

HELP WANTED

Recent law school graduates, members of our Society, seek employment in law offices. Many, prior to their admission to the Bar, acquired considerable experience working as law clerks. If there is an opening in your law office or if you know of one elsewhere, please communicate with Michael Levin, Chairman of our Placement Committee, 7 South Dearborn Street, ANdover 3-3186.

Society Urges Broyles Bills Defeat

(Continued from page 10)

ment agencies of the state to present "all information" about alleged subversives to the Grand Jury, poses grave peril to the reputations of innocent people. Rumor, hearsay, fact, fiction and fantasy will all be added to a witches brew that only the most courageous and unyielding Grand Jury will be able to resist to avoid injustice.

The sedition sections of the bill, making it a felony to knowingly or wilfully commit, attempt to commit, or aid in the commission of any act intended to overthrow or destroy the constitutional form of government of the United States or Illinois or any subdivision thereof, not alone by revolution, force or violence but also by "other unlawful means," dangerously extends the scope of prohibited conduct to an area not heretofore regarded as seditious.

For the above stated reasons and because Illinois law in this field is already more extensive than that of any other state and is adequate, in our opinion, to deal with any threat to Illinois, we respectfully urge the General Assembly to disapprove Senate Bills 101 and 102.

Return Postage Guaranteed

THE DECALOGUE JOURNAL

A Publication of The Decalogue Society of Lawyers

180 WEST WASHINGTON STREET
CHICAGO 2, ILLINOIS

Sec. 34.66 P.L.&R.
U. S. Postage
PAID
Permit No. 4708
Chicago, Ill.

At the Eighteenth Annual Decalogue Merit Award Dinner at the Palmer House, Feb. 23, 1953
L. to R. CONGRESSMAN SIDNEY R. YATES, ADLAI E. STEVENSON, PRESIDENT HARRY A. ISEBERG

THE LEGACY OF ISRAEL: If the Hebrew people had left us nothing but the memory of their struggle, they would have left us rich. . . . —**SAMUEL G. SMITH, University of Minnesota**